

REMARKS

In response to the non-final Office Action dated August 9, 2007, Applicants submit this Amendment accompanied by a petition for a three-month extension of time.

The appropriate extension of time fee was paid by credit card upon the electronic submission of this paper. No additional fees are believed to be necessary, but if the Office deems otherwise, kindly charge the cost thereof to Deposit Account No. 13-2855, Order No. 30071/41415.

By way of this Amendment, claims 1-16 remain pending, and claims 1, 3, 6, 7, and 11 are currently amended. Support for the amendments to claim 6 can be found in paragraph [0023], for example, in combination with the figure. The amendments to claims 1, 6, 7, and 11 are merely formalistic. No new matter has been added.

In light of the foregoing amendments to the claims and the following remarks, Applicant submits that the present application is in condition for allowance and respectfully requests the Office to acknowledge the same.

CLAIM OBJECTIONS

Claim 3 stands objected to for lacking dependency. Claim 3 is amended herein to be dependent on claim 1.

Reconsideration and withdrawal of this rejection is respectfully requested.

CLAIM REJECTIONS UNDER 35 U.S.C. §112

Claims 1-5 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the present application.

Claim 1 is amended herein to replace the phrase “the second reaching” with “a second reaching.” Moreover, the “such as” phrase has been deleted from claim 1.

Reconsideration and withdrawal of these indefiniteness rejections is respectfully requested.

CLAIM REJECTIONS UNDER 35 U.S.C. §102 AND §103

Claims 6, 9-11, and 13 stand rejected under 35 U.S.C. §102(b) as allegedly anticipated by Grillait et al. (FR 2,576,003). Additionally, claims 1-5, 7, 8, and 14-16 stand rejected under 35 U.S.C. §103(a) as allegedly obvious over Grillait; and claim 12 stands rejected under 35 U.S.C. §103(a) as allegedly obvious over Grillait in view of Humele (U.S. Patent No. 6,520,318).

The present application is directed to a device (claims 6-16) and a process (claims 1-5) for maintaining containers on a rotating conveyor 2 continuously, from the time they are loaded via an intake station 5 until they are discharged via a discharge station 10. More specifically, the containers are carried by the conveyor 2 from the intake station 5, first to the discharge station 10, again back to the intake station 5, and finally, to the discharge station 10 to be discharged.

Therefore, independent claim 1 recites a process that comprises “containers (4)...[being] conveyed by [a] rotating conveyor (2) first to a discharge station (10) *and again* to the intake station (5)...” (emphasis added). Similarly, independent claim 6 recites a device that comprises a “*rotating conveyor (2)*...[that] conveys the objects first past the discharge station *and back* to the intake station.” (emphasis added). Thus, in claims 1 and 6, the containers are continuously carried by the primary conveyor, i.e., the rotating conveyor 2, between the discharge station 10 and the intake station 5.

In contrast, Grillait teaches a device that removes containers from the primary conveyor to be conveyed between a discharge station and an intake station.

Specifically, Grillait discloses a device for treating objects as they are carried along a treatment station carousel 3, which the Office Action equates to the rotating conveyor 2 of the present application. The device includes an input star wheel 4 delivering objects to the carousel 3, and a downstream star wheel 6 removing objects from the carousel 3. The device additionally includes a transfer star wheel 7 that is disposed separate from the carousel 3 and located between the input and downstream star wheels 4, 6.

During any given treatment process, an object is transferred from the input star wheel 4, to the treatment station carousel 3, and then to the downstream star wheel 6. If treatment is

complete, the downstream star wheel 6 delivers the object to a conveyor belt 8. If further treatment is required, however, the transfer star wheel 7 transfers the object from the downstream star wheel 6 back to the input star wheel 4. Thereafter, the input star wheel 4 delivers the object to the treatment station carousel 3 to undergo another treatment process.

Thus, the device and method of Grillait requires the transfer star wheel 7, which is separate and distinct from the treatment carousel 3, to move each object from the downstream star wheel 6 and back again to the input star wheel 4. While the treatment station carousel 3 conveys the objects from the input star wheel 4 to the downstream star wheel 6, it never conveys the objects "again to the intake station (5)," i.e., the input star wheel 4, as recited in claim 1, or "back to the intake station," as recited in claim 6.

Accordingly, Grillait fails to disclose each and every element recited in claims 1 and claim 6, and as such, cannot anticipate claims 1 and 6.

Moreover, by unequivocally teaching a device and method that requires the removal of objects from the primary conveyor, i.e., the treatment carousel 3, there is no suggestion to modify the device and/or process of Grillait to arrive at the claimed invention. Specifically, Grillait fails to make any mention or suggestion of using intake and discharge stations with selectively controllable functions for inputting and removing objects such that the transfer star wheel 7 can be eliminated and the carousel 3 can continuously carry objects "again to the intake station," or "back to the intake station," as recited in claims 1 and 6, respectively.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the outstanding anticipation and obviousness rejections.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Therefore, the examiner is respectfully requested to pass this application to issue. If there are any outstanding issues that the examiner believes may be remedied via telephone conference, please feel free to contact the undersigned at (312) 474-6300.

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Respectfully submitted,

By 

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